

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 25, 2009**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Patrick. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Taleesha Willie, Page.

### Approval of Journal

February 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 24, 2009

Mr. Speaker:

I return herewith enrolled [HCR 10](#) and [H 80](#) which have been signed by the President.

WOOD, Secretary

Enrolled [HCR 10](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled [H 80](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

### Report of Standing Committees

February 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 194](#),

[HCR 24](#), and House amendments to [H 14](#), [H 32](#), [H 65](#), and [H 154](#).

CLARK, Chairman

[HCR 24](#) was filed for second reading.

[H 194](#) was referred to the State Affairs Committee.

February 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 17](#), [H 85](#), and [H 86](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 17](#), [H 85](#), and [H 86](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 25, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 14](#), as amended, [H 32](#), as amended, [H 65](#), as amended, and [H 154](#), as amended.

CLARK, Chairman

[H 14](#), as amended, [H 32](#), as amended, [H 65](#), as amended, and [H 154](#), as amended, were filed for first reading of engrossed bills.

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 21](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 21](#) was filed for second reading.

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 101](#), [H 128](#), and [H 129](#) and recommend that they do pass.

TRAIL, Chairman

[H 101](#), [H 128](#), and [H 129](#) were filed for second reading.

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 38](#) and [H 44](#) and recommend that they do pass.

BLOCK, Chairman

[H 38](#) and [H 44](#) were filed for second reading.

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 96](#) and [H 155](#) and recommend that they do pass.

WOOD, Chairman

[H 96](#) and [H 155](#) were filed for second reading.

February 25, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1079](#) and recommend that it do pass.

NONINI, Chairman

[S 1079](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 195  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO VETERANS; AMENDING SECTION 65-101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COUNTY MEMORIAL COMMISSION AND ITS POWERS; AND AMENDING SECTION 65-602, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 196  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO VALIDATION PROCEEDINGS FOR A HIGHWAY OR PUBLIC RIGHT-OF-WAY; AMENDING SECTION 40-203A, IDAHO CODE, TO INCLUDE CITY COUNCIL AUTHORITY TO INITIATE AND TO CONDUCT VALIDATION PROCEEDINGS INVOLVING A PUBLIC HIGHWAY OR PUBLIC RIGHT-OF-WAY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 197  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO OPERATING FEES FOR MOTOR VEHICLES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-415G, IDAHO CODE, TO PROVIDE FOR A SPECIAL PERMANENT OR BUSINESS LOGO LICENSE PLATE FOR TRAILERS AND SEMITRAILERS.

**HOUSE BILL NO. 198  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO PUBLICATION OF NOTICE OF THE GENERAL TERMS OF WRITTEN AGREEMENTS FOR TRANSFER OR CONVEYANCES OF REAL OR PERSONAL PROPERTY BETWEEN UNITS OF GOVERNMENT OR DISTRICTS; AMENDING SECTION 67-2323, IDAHO CODE, TO REVISE THE REQUIRED PUBLICATION NOTICE FROM TWO CONSECUTIVE WEEKS TO TWICE IN A NEWSPAPER OF GENERAL CIRCULATION AND A FIRST PUBLICATION SHALL BE MADE NOT LESS THAN TWELVE DAYS BEFORE EACH MEETING AND A SECOND PUBLICATION NOTICE MADE NOT LESS THAN FIVE DAYS BEFORE EACH MEETING.

**HOUSE BILL NO. 199  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-107C, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO MAY ESTABLISH ADDITIONAL RETIREMENT PLANS FOR EMPLOYEES OF COLLEGES, UNIVERSITIES AND THE STATE BOARD OF EDUCATION.

**HOUSE BILL NO. 200  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE IDAHO ENERGY RESOURCES AUTHORITY; AMENDING SECTION 67-8922, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS OF THE STATE TREASURER TO INVEST STATE FUNDS OR OTHER FUNDS IN FIXED OR VARIABLE RATE BONDS OF THE AUTHORITY UPON CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

[H 195](#), [H 196](#), [H 197](#), [H 198](#), [H 199](#), and [H 200](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**First Reading of Engrossed Bills**

[H 14](#), as amended, [H 32](#), as amended, and [H 65](#), as amended, by State Affairs Committee, were introduced, read the first time by title, and filed for second reading.

[H 154](#), as amended, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

**Second Reading of Bills and Joint Resolutions**

[H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), and [H 109](#), by Business Committee, were read the second time by title and filed for third reading.

[H 59](#), [H 60](#), [H 70](#), [H 71](#), [HCR 14](#), and [HR 2](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

[H 121](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe to open debate.

The question being, "Shall [H 121](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley,

Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Patrick, Wood(35). Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 121](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 142](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ruchti to open debate.

The question being, "Shall [H 142](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Patrick, Wood(35). Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 142](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 141](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [H 141](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Patrick, Wood(35). Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 141](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 157](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 26, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:33 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk